IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATHOLIC CHARITIES OF THE ARCHDIOCESE OF PHILADELPHIA, et al.,

Plaintiffs,

v. : No. 14-cv-3096-RB

SYLVIA M. BURWELL, in her official capacity as Secretary of the Department of Health and Human Services, et al.,

Defendants.

JOINT STIPULATION

Plaintiffs and Defendants, by and through counsel, do hereby stipulate and agree as follows:

- 1. This matter involves eighteen Plaintiffs. Per Fed. R. Civ. P. 41(a)(1)(A)(ii), the claims of the following six Plaintiffs should be voluntarily dismissed without prejudice:

 (1) St. Monica Manor; (2) St. John Neumann Nursing Home; (3) Immaculate Mary Home;

 (4) St. Francis Country House; (5) St. Mary Manor; and (6) St. Martha Nursing Home. Beyond these six Plaintiffs, all other Plaintiffs wish to continue pursuit of their claims before this Court.
- 2. The parties also respectfully request that the caption of the action be amended to reflect the remaining Plaintiffs.
- 3. The claims in this matter are similar to those presently before the Third Circuit Court of Appeals in the matter captioned *Zubick et al. v. Burwell et al.*, Nos. 13-3536, 14-1374, 14-1376, 14-1377. The *Zubick* matter has been argued and is under consideration by the Third Circuit. The parties in this matter jointly agree that resolution of the *Zubick* appeal is very likely to have significant effects on the issues before this Court, and therefore, Plaintiffs and

Defendants jointly agree that a stay of this matter pending the decision in *Zubick* is in the best interests of all parties.

Respectfully submitted,

/s/ Frank R. Emmerich Jr.

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Dated: January 16, 2015

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

No. 14-cv-3096-RB

CATHOLIC CHARITIES OF THE ARCHDIOCESE OF:
PHILADELPHIA; ST. JOHN'S ORPHAN ASYLUM;
ST. EDMOND'S HOME FOR CRIPPLED CHILDREN;
DON GUANELLA VILLAGE OF THE
ARCHDIOCESE OF PHILADELPHIA; DIVINE
PROVIDENCE VILLAGE; THE PHILADELPHIA
PROTECTORY FOR BOYS; CATHOLIC
COMMUNITY SERVICES, INC.; NUTRITIONAL

COMMUNITY SERVICES, INC.; NUTRITIONAL DEVELOPMENT SERVICES, INC.; CATHOLIC HEALTH CARE SERVICES – SUPPORTIVE INDEPENDENT LIVING; ST. JOHN VIANNEY CENTER; CATHOLIC CLINICAL CONSULTANTS; and the ROMAN CATHOLIC ARCHDIOCESE OF PHILADELPHIA,

Plaintiffs,

v.

SYLVIA M. BURWELL, in her official capacity as
Secretary of the Department of Health and Human
Services; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; THOMAS E.
PEREZ, in his official capacity as the Secretary of the
United States Department of Labor; UNITED STATES
DEPARTMENT OF LABOR; JACOB J. LEW, in his
official capacity as Secretary of the United States
Department of the Treasury; and THE UNITED
STATES DEPARTMENT OF THE TREASURY,

Defendants.

ORDER

In consideration of the Joint Stipulation submitted by Plaintiffs and Defendants, it is hereby ORDERED that the claims of St. Monica Manor, St. John Neumann Nursing Home, Immaculate Mary Home, St. Francis Country House, St. Mary Manor, and St. Martha Nursing Home are hereby DISMISSED WITHOUT PREJUDICE.

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It is further ORDERED that the above-named parties shall be TERMINATED as parties to this matter and the caption shall be amended to appear as set forth in this Order.

It is further ORDERED that this matter shall be STAYED pending the decision in *Zubick* et al. v. Burwell et al., Nos. 13-3536, 14-1374, 14-1376, 14-1377 (3d Cir.). Within 30 days of the decision in *Zubick*, Plaintiffs shall provide the Court with a copy of the opinion and shall advise the Court of whether Plaintiffs wish to continue their claims.

Date:	
	Ronald L. Buckwalter, U.S.D.J.

CERTIFICATE OF SERVICE

I, Frank R. Emmerich Jr., hereby certify that I caused a copy of the Joint Stipulation to be served on the following via electronic service:

Adam Grogg, Esq.
Michelle R. Bennett, Esq.
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Date: January 16, 2015 /s/ Frank R. Emmerich Jr.